SBCivil Writ Petition No.3328/2005

Shere Lal
v.
State of Rajasthan & Ors.

Date of Order :: 26th October, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. V.S.Choudhary, for the petitioner.
Mr. Shyam Ladrecha, Addl.G.A.

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The petitioner incurred a sum of Rs.1,36,240/- for undergoing cardiac surgery at Nova Heart Institute & Research Centre, Bathinda on 24.6.2004. Being a government servant he claimed for reimbursement of the aforesaid amount in accordance with the Rajasthan Civil Services (Medical Attendance) Rules, 1970 (hereinafter referred to as “the Rules of 1970”).

The Executive Engineer, Public Health and Engineering Department, Rural Division, Sriganganagar by his communication dated 20.9.2004 informed to the Assistant Engineer, Public Health and Engineering Department, Sub Division, Padampur that in view of Rule 6 of the Rules of 1970 the amount incurred in undergoing cardiac surgery by the petitioner cannot be reimbursed. Being aggrieved by the same, this petition for writ is preferred.

In reply to the writ petition it is stated by the respondents that the petitioner is not entitled to

get the medical expenses reimbursed as he has undergone cardiac surgery at a hospital that is not recognised by Government of Rajasthan.

Precisely, the question involved in this petition for writ is that whether an employee of the Government of Rajasthan is entitled for reimbursement of medical expenses under the Rules of 1970, if he has undergone treatment at a hospital that is not recognised by Government of Rajasthan? This question earlier came up before Division Bench of this Court in the case of Anil Kumar Surolia v. State of Rajasthan & Ors., reported in 2005(2) RLR 433, wherein this Court held as under:-

> "Before we may part with this order, we would like to mention that the government cannot insist upon an employee to get himself treated at recognised government institution. All that the government in these circumstances can do is to reimburse the concerned employee at the rates that may be applicable in the recognised government institutions. Reference in this connection may be made to the judgments of the Supreme Court in (1) Surjit Singh v. State of Punjab and others (AIR 1996 SC 1388) and (2) State of Punjab and others v. Mohan Lal Jindal (2001) 9 SCC 217."

In view of the law laid down by Division Bench of this Court in the case of Anil Kumar Surolia

(supra) the petitioner is certainly entitled for getting reimbursement of medical expenses at the rates that may be applicable in recognised institutions.

Accordingly, this petition for writ is allowed. The respondent State is directed to reimburse the medical expenses incurred in undergoing cardiac surgery by the petitioner at Nova Heart Institute & Research Centre, Bathinda at the rates those are applicable in the recognised hospitals/institutions. The respondents are required to make such reimbursement of medical expenses within a period of three months from today.

No order to costs.

(GOVIND MATHUR),J.

kkm/ps.